UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/800,128	ROBERTS ET AL.
	Examiner	Art Unit	
	Jinhee J. Lee	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-41* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-41* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *0105*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Drawings

1.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show

every feature of the invention specified in the claims. Therefore, the first, second and

third display area, and first and second control panel must be shown or the feature(s)

canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the

Office action to avoid abandonment of the application. The objection to the drawings

will not be held in abeyance.

2.   Applicant is required to submit a proposed drawing correction in reply to this

Office action. However, formal correction of the noted defect may be deferred until after

the examiner has considered the proposed drawing correction. Failure to timely submit

the proposed drawing correction will result in the abandonment of the application.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

4.   Claims 1-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.

The limitations of "first display area", "second display area", "third display area", "first control panel", "second control panel" lack written description in the specification. The specification fails to convey which sections of display are these items.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.   Claims 1-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Re claims 1-10, 18-29, claims 1-10, 18-29 fails to fall within a statutory category of invention. They are directed to a program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program nor a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. They are also clearly not directed to a composition of matter. Therefore, they are non-statutory under 32 USC 101.

Re claims 11-16, claims 11-16 fails to fall within a statutory category of invention. They are directed to a process, not directed to machine, manufacture or produce a physical transformation. They are also clearly not directed to a composition of matter. The process must establish a practical application by providing a useful, concrete and tangible result. Presenting contents do not necessarily produce a tangible result such as determining or displaying the result of a calculation. Therefore, they are non-statutory under 32 USC 101.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Haynes

et al. (20040098315).

Re claim 1, Haynes et al. discloses a user interface for use within a web browser

for a business operated through a web-based storefront over a network, the user

interface comprising:

a first display area (along the left of the screen including 211 and 223 for example) that

provides access to a plurality of control panels, the plurality of control panels providing

an interface to create or manage the web-based storefront for an online business

engaged in commerce of at least one of goods or services; and

a second display area (the main area including 219, 220a, b and 216-18 for example),

visually distinguished from and concurrently displayed with the first display area, that

provides information associated with the commerce involving the web-based storefront

(see figure 3b for example).

Re claim 2, Haynes et al. discloses a user interface, further comprising a third display area (top portion including 221a-f and 222a-c for example), visually distinct from and concurrently displayed with the first display area and the second display area, that provides a plurality of advertising services for use in promoting the web-based storefront.

Re claim 3, Haynes et al. discloses a user interface, wherein the first display area further comprises a plurality of modules (211a-e and 223a-h for example), each module providing access to at least one the control panels in the plurality of control panels.

Re claim 4, Haynes et al. discloses a user interface, wherein a module (223a for example) in the plurality of modules provides access to a store management related control panel.

Re claim 5, Haynes et al. discloses a user interface, wherein a module (211a for example) comprises in the plurality of modules provides access to a web hosting related control panel (searching for a web hosting site based on category for example).

Re claim 6, Haynes et al. discloses a user interface, wherein a module in the plurality of modules provides access to a domain management related control panel or a mail service (223d for example).

Re claim 7, Haynes et al. discloses a user interface, wherein the second display area displays information relating to the business in substantially real time (see 219 and "promotional product" for example) .

Re claim 8, Haynes et al. discloses a user interface, wherein the information

displayed in substantially real time comprises one selected from the group consisting of

a number of page views, sales data, search data, a click trail, and inventory

Data (see "order updates" or "promotional product" figure 3b for example).

Re claim 9, Haynes et al. discloses a user interface, wherein the information is

displayed in graphical form in the second display area (drawing of a mug for example).

Re claim 10, Haynes et al. discloses a user interface, wherein the area for

providing the information further comprises displaying the information is displayed in

streaming text form in the second display area ("order updates" for example).

Re claim 11, Haynes et al. discloses a method for controlling a business

operated through a web-based storefront over a network, the method comprising:

presenting a first display area (on the left including 211 and 223 for example) that

provides access to a plurality of control panels, the plurality of control panels providing

an interface to create or manage the web-based storefront for an online business

engaged in commerce of at least one of goods or services; and presenting a second

display area (main area including 219, 220a-b, 216-218 for example), visually

distinguished from and concurrently displayed with the first display area, to provide

information associated with the commerce of said at least one of goods or services (see

figure 3b for example).

Re claim 12, Haynes et al. discloses a method, further comprising: presenting a

third display area (top for example), visually distinct from and concurrently displayed

with the first display area and the second display area, the third display area presenting

a plurality of advertising services for use in promoting the web-based storefront.

Re claim 13, Haynes et al. discloses a method, wherein the first display area

further comprises: a plurality of modules, each module including access to at least one

of the

control panels in the plurality of control panels (see figure 3b for example).

Re claim 14, Haynes et al. discloses a method, wherein a module in the plurality

of modules comprises one selected from the group consisting of store management,

web hosting, domain management, and a mail service (see 223d for example).

Re claim 15, Haynes et al. discloses a method, wherein the second display area

further presents information relating to the business in substantially real time. (219 for

example)

Re claim 16, Haynes et al. discloses a method, wherein the information

presented in substantially real time comprises one selected from the group consisting of

a number of page views, sales data, search data, a click trail, and inventory data (219c

for example).

Re claim 17, Haynes et al. discloses a method, wherein the second display area

displays the information in a form of one selected from the group consisting of graphical

and streaming text (219 for example).

Re claim 18, Haynes et al. discloses a system for providing a control mechanism

for a business operated through a web-based storefront over a network, the system

comprising: means for presenting a first display area that provides access to a plurality

of control panels, the plurality of control panels providing an interface to create or

manage the web-based storefront for an online business engaged in commerce of

at least one of goods or services; and means for presenting a second display

area, visually distinguished from and concurrently displayed with the first

display area, to provide information associated with the commerce involving the

web-based storefront (see figure 3b for example).

Re claim 19, Haynes et al. discloses a system, further comprising means for

presenting a third display area, visually distinct from and concurrently displayed with the

first display area and the second display area, to present a plurality of advertising

services for use in promoting the web-based storefront (see figure 3b for example).

Re claim 20, Haynes et al. discloses a system, wherein the means for presenting

the first display area further comprises means for presenting a plurality of modules in

the first display area, each module including access to at least one of the control

panels in the plurality of control panels (see figure 3b for example).

Re claim 21, Haynes et al. discloses a system, wherein a module in the plurality

of modules comprises one selected from the group consisting of store management,

web hosting, domain management, and a mail service (223d for example).

Re claim 22, Haynes et al. discloses a system, wherein the means for presenting

the second display area further comprises a means for presenting information relating to

the business in substantially real time (219 for example).

Re claim 23, Haynes et al. discloses a system, wherein the information presented in substantially real time comprises one from the group consisting of a page view, sales data, search data, a click trail, and inventory data (see figure 3b for example).

Re claim 24, Haynes et al. discloses a system, wherein the means for presenting the second display area presents the information in a form of one selected from the group consisting of graphical and streaming text (see figure 3b for example).

Re claim 25, Haynes et al. discloses a user interface for use within a web browser for a business operated through a web-based storefront over a network, the user interface comprising: a first layer comprising: a first display area (on left side for example) that provides access to a plurality of control panels, the plurality of control panels providing an interface to create or manage the web-based storefront for an online business engaged in commerce of at least one of goods or services, a second display area (main area for example), visually distinguished from and concurrently displayed with the first display area, the second display area providing information associated with the commerce involving the web-based storefront; and a second layer comprising a first control panel in the plurality of control panels, the first control panel configured to allow manipulation of a business function of said web-based storefront (see paragraph 0058 and figure 3b for example).

Re claim 26, Haynes et al. discloses a user interface, wherein the first layer further comprises a third display area, visually distinct from and concurrently displayed with the first display area and the second display area, wherein the third layer is

configured to provide a plurality of advertising services for use in promoting

the web-based storefront (see top of figure 3b for example).

Re claim 27, Haynes et al. discloses a user interface, wherein the second display

area presents information relating to a business function of the web-based storefront in

a form of one selected from the group consisting of graphical, streaming text,

pictorial, and tabular (219 for example).

Re claim 28, Haynes et al. discloses a user interface, wherein the first control

panel provides access to the business function of one selected from the group

consisting of store management, web hosting, domain management, and a mail service

(223d, see paragraph 0058 for example).

Re claim 29, Haynes et al. discloses a user interface, wherein the control panel

further comprises an input selection mechanism configured to communicatively couple

with a back end relating to the business function associated with the control

panel (see figure 2, where search leads to product details page with product information

for example).

Re claim 30, Haynes et al. discloses a computer program product for use in

conjunction with a computer system, the computer program product comprising a

computer readable storage medium (see figure 1, servers and databases for example)

and a computer program mechanism embedded therein, the computer program

mechanism comprising: a user interface module for encoding a user interface for use

within a web browser for a business operated through a web-based storefront

over a network (see figure 3b for example), the user interface module comprising:

instructions for encoding a first display area (on the left for example), wherein the first

display area provides access to a plurality of control panels, the plurality of control

panels providing an interface to create or manage the web-based storefront for an

online business engaged in commerce of at least one of goods or services; and

instructions for encoding a second display area (main area for example), visually

distinguished from and concurrently displayed with the first display area, the second

display area for providing information associated with commerce involving the web-

based storefront (see figure 3b for example).

Re claim 31, Haynes et al. discloses a computer program product wherein the

first display area and the second display area are displayed on the display of a remote

computer (12, see figure 1 for example).

Re claim 32, Haynes et al. discloses a computer program product wherein the

remote computer is associated with a business and runs said web browser (see figure 1

for example).

Re claim 33, Haynes et al. discloses a computer program product for use in

conjunction with a computer system, the computer program product comprising a

computer readable storage medium and a computer program mechanism embedded

therein (see figure 1 for example), the computer program mechanism

comprising: a user interface module for encoding a user interface for use

within a web browser for a business operated through a web-based storefront

over a network (see figures 1 and 3b for example), the user interface module

comprising: instructions for encoding a first layer, the first layer comprising: a first

display area (on the left for example) that provides access to a plurality of control

panels, the plurality of control panels providing an interface to create or manage the

web-based storefront for an online business engaged in commerce of at least one of

goods or services; and

a second display area (main area for example) , visually distinguished from and

concurrently displayed with the first display area, the second display area providing

information associated with commerce involving the web-based storefront (see figure 3b

for example); and instructions for encoding a second layer, the second layer comprising

a first control panel in the plurality of control panels, the first control panel configured to

allow manipulation of a business function (see figure 2, 108, 110a-c for example) .

  Re claim 34, Haynes et al. discloses a computer program product wherein the

first layer and the second layer are displayed on a display of a remote computer (12,

figure 1 for example).

  Re claim 35, Haynes et al. discloses a computer program product wherein the

remote computer is associated with a business and runs said web browser (12, see

figure 1 for example).

  Re claim 36, Haynes et al. discloses a first computer for a business operated

through a web-based storefront over a network, the first computer (20, see figure 1 for

example) comprising: a central processing unit (inherent since the server is

programmed to manage a buyer site, see paragraph 0047 for example); a

Memory (inherent, for it to work as a server for example), coupled to the central

processing unit, the memory storing a software module (program for example), the

software module comprising: instructions for constructing a first

display area (on the left for example), the first display area for presenting access to a

plurality of control panels, the plurality of control panels providing an interface to

create or manage the web-based storefront for an online business engaged in

commerce of at least one of goods or services; and instructions for

constructing a second display area (main area for example), visually distinguished from

and concurrently displayed with the first display area, the second display area for

providing information associated with the commerce involving the web-based

storefront (see figure 3b for example).

 Re claim 37, Haynes et al. discloses a first computer wherein the first display

area and the second display area are displayed on a display on a second computer (16

for example) that is accessible to the first computer over the Internet (see figure 1 for

example).

 Re claim 38, Haynes et al. discloses a first computer wherein the second

computer is associated with a business and wherein said second computer runs a web

browser in which said first display area and said second display area are displayed (see

figure 3b for example).

 Re claim 39, Haynes et al. discloses a first computer for providing a user

interface for use within a web browser for a business operated through a web-based

storefront over a network, the first computer (20 for example) comprising: a central

processing unit; a memory, coupled to the central processing unit, the memory storing:

instructions for encoding a first layer of the user interface, the first layer comprising: a

first display area (on the left for example) that provides access to a plurality of control

panels, the plurality of control panels providing an interface to create or manage the

web-based storefront for an online business engaged in commerce of at least one of

goods or services; and a second display area (main area for example), visually

distinguished from and concurrently displayed with the first display area, the second

display area providing information associated with commerce involving the web-based

Storefront (see figure 3b for example); and instructions for encoding a second layer of

the user interface, the second layer comprising a first control panel in the plurality

of control panels, the first control panel configured to allow manipulation of

a business function (see figure 2 for example).

　　　Re claim 40, Haynes et al. discloses a first computer wherein the first layer and

the second layer are displayed on a display of a second computer (16 for example) that

is accessible to the first computer over the Internet (see figure 1 for example).

　　　Re claim 41, Haynes et al. discloses a first computer wherein the second

computer is associated with a business and runs said web browser (see figure 1 and 3b

for example).

Conclusion

　　　Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-

1977. The examiner can normally be reached on M- F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on 571-272-2100 ext. 74. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jinhee J Lee/
Primary Examiner, Art Unit 2174

jjl